

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

THIRTY-SIXTH LEGISLATIVE DAY
MONDAY, FEBRUARY 16, 2009

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Jaquet. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Breanna Fuechsel,
Page.

Approval of Journal

February 16, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND
ADMINISTRATION, report that we have read and approved
the House Journal of the Thirty-third Legislative Day and
recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by
Mrs. Boe. Report adopted.

At this time, the Speaker put the House at ease.

A Memorial Service was presented to the members of the
House.

Opening RemarksRepresentative Fred Wood

Boise State University Meistersingers
"Battle Hymn of the Republic"

Introduction of Memorial Speakers....Representative Fred Wood

Presentation of Memorials

Vernon K. Brassey..... by Representative Raúl Labrador
William D. Eberle.....by Representative Bill Killen
Ray E. Infanger.....by Representative JoAn Wood
Clyde R. Keithly.....by Representative Robert Schaefer
Dan Kelly, III..... by Representative Pete Nielsen

Boise State University Meistersingers
"America the Beautiful"

"Here We Have Idaho"

Benediction "May the Good Lord Bless and Keep You"
Recorded by the late Rep.Elaine Hofman

A HOUSE MEMORIAL

WHEREAS, Representative Vernon K. Brassey has passed
on since the close of the Second Regular Session of the
Fifty-ninth Idaho Legislature; and

WHEREAS, the late Representative Vernon K. Brassey
served in this House, in the interest of Boise County during the
Thirty-sixth and Thirty-seventh Legislature covering the years
1961 through 1964.

NOW, THEREFORE, BE IT RESOLVED that the House of
Representatives of the Sixtieth Legislature draw public attention
by this Memorial to the life and works of Vernon K. Brassey.

BE IT FURTHER RESOLVED that the House of
Representatives of the Sixtieth Idaho Legislature extend to
the bereaved family the heartfelt sympathy of this entire body;
and

BE IT FURTHER RESOLVED that the Chief Clerk of the
House of Representatives be, and she is hereby instructed to
spread this Memorial upon the Journal of the House, and to
forward this Memorial to the Brassey family.

Representative Raul R. Labrador paid tribute to former
Representative Vernon K. Brassey.

A HOUSE MEMORIAL

WHEREAS, Representative William D. Eberle has passed on
since the close of the Second Regular Session of the Fifty-ninth
Idaho Legislature; and

WHEREAS, the late Representative William D. Eberle
served in this House, in the interest of Ada County during the
Thirty-third through Thirty-sixth Legislature covering the years
1955 through 1962.

NOW, THEREFORE, BE IT RESOLVED that the House of
Representatives of the Sixtieth Legislature draw public attention
by this Memorial to the life and works of William D. Eberle.

BE IT FURTHER RESOLVED that the House of
Representatives of the Sixtieth Idaho Legislature extend to
the bereaved family the heartfelt sympathy of this entire body;
and

BE IT FURTHER RESOLVED that the Chief Clerk of the
House of Representatives be, and she is hereby instructed to
spread this Memorial upon the Journal of the House, and to
forward this Memorial to the Eberle family.

Representative Bill Killen paid tribute to former
Representative William D. Eberle.

A HOUSE MEMORIAL

WHEREAS, Representative Ray E. Infanger has passed on
since the close of the Second Regular Session of the Fifty-ninth
Idaho Legislature; and

WHEREAS, the late Representative Ray E. Infanger served
in this House, in the interest of Butte, Clark, Custer, Fremont,
Jefferson, and Lemhi Counties during the Forty-second through
Fifty-first Legislature covering the years of 1973 through 1992.

NOW, THEREFORE, BE IT RESOLVED that the House of
Representatives of the Sixtieth Legislature draw public attention
by this Memorial to the life and works of Ray E. Infanger.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixtieth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward this Memorial to the Infanger family.

Representative JoAn Wood paid tribute to former Representative Ray E. Infanger.

A HOUSE MEMORIAL

WHEREAS, Representative Clyde R. Keithly has passed on since the close of the Second Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the late Representative Clyde R. Keithly served in this House, in the interest of Canyon County during the Thirty-ninth through Forty-first Legislature covering the years 1967 through 1972.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixtieth Legislature draw public attention by this Memorial to the life and works of Clyde R. Keithly.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixtieth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward this Memorial to the Keithly family.

Representative Robert Schaefer paid tribute to former Representative Clyde R. Keithly.

A HOUSE MEMORIAL

WHEREAS, Representative Dan Kelly, III has passed on since the close of the Second Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the late Representative Dan Kelly, III served in this House, in the interest of Elmore County during the Forty-fourth through Forty-seventh Legislature covering the years 1977 through 1984.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixtieth Legislature draw public attention by this Memorial to the life and works of Dan Kelly, III.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixtieth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward this Memorial to the Kelly family.

Representative Pete Nielsen paid tribute to former Representative Dan Kelly, III.

Prior to going at ease, the House was at the Third Order of Business.

Consideration of Messages from the Governor and the Senate

Mr. Speaker:

I transmit herewith [S 1046](#), [S 1067](#), [S 1068](#), [S 1069](#), [S 1050](#), and [S 1065](#) which have passed the Senate.

WOOD, Secretary

[S 1046](#), [S 1067](#), [S 1068](#), [S 1069](#), [S 1050](#), and [S 1065](#) were filed for first reading.

Report of Standing Committees

February 16, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 2](#), [H 120](#), [H 121](#), [H 122](#), [H 123](#), [H 124](#), [H 125](#), [H 126](#), [H 127](#), [H 128](#), [H 129](#), [H 130](#), [H 131](#), [H 132](#), [H 133](#), [H 134](#), [H 135](#), and [H 136](#).

CLARK, Chairman

[HJM 2](#) was filed for second reading.

[H 120](#), [H 121](#), and [H 122](#) were referred to the Revenue and Taxation Committee.

[H 123](#) was referred to the Health and Welfare Committee.

[H 124](#), [H 125](#), [H 126](#), [H 127](#), [H 128](#), and [H 129](#) were referred to the Agricultural Affairs Committee.

[H 130](#), [H 131](#), [H 132](#), [H 133](#), [H 134](#), [H 135](#), and [H 136](#) were referred to the Transportation and Defense Committee.

February 16, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 6](#) and [H 7](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 6](#) and [H 7](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 12, 2009

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 45](#) and recommend that it do pass.

BLOCK, Chairman

[H 45](#) was filed for second reading.

February 11, 2009

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 76](#) and recommend that it do pass.

SCHAEFER, Chairman

[H 76](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

House of Representatives
State of Idaho

February 13, 2009

The Honorable Jim Clark
Judiciary, Rules & Administration Committee

Dear Representative Clark:

I hereby designate the Judiciary, Rules and Administration Committee a privileged committee for the purpose of introducing the following legislation:

Tuesday, February 17, 2009:

RS 18383C1 RS 18497
RS 18495 RS 18556
RS 18496 RS 18564

Thursday, February 19, 2009:

RS 18380C1 RS 18594
RS 18390C1 RS 18614
RS 18576 RS 18680
RS 18593 RS 18681

Sincerely,
/s/ Lawrence Denney
Speaker of the House

The letter was ordered filed in the office of the Chief Clerk.

House of Representatives
State of Idaho

February 16, 2009

The Honorable Max Black
Business Committee

Dear Representative Black:

I hereby designate the Business Committee a privileged committee for the purpose of introducing the following legislation:

Tuesday, February 17, 2009:

RS 18408C2 RS 18646
RS 18483 RS 18653
RS 18509 RS 18670

Thursday, February 19, 2009:

RS 18684 RS 18703
RS 18685 RS 18718
RS 18690

Sincerely,
/s/ Lawrence Denney
Speaker of the House

The letter was ordered filed in the office of the Chief Clerk.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 137
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO POWERS OF THE PARK AND RECREATION BOARD; AMENDING SECTION 67-4223, IDAHO CODE, TO PROVIDE BOARD AUTHORITY TO REGULATE FIREARM DISCHARGES AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 138
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO ACTIONS FOR NEGLIGENCE; AMENDING CHAPTER 8, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-809, IDAHO CODE, TO PROVIDE FOR NEGLIGENCE ACTIONS AGAINST CERTAIN INDIVIDUALS IN THE EVENT OF INJURY OR DEATH TO A PERSON CAUSED BY A NONNATIVE ANIMAL SPECIES OR SUBSPECIES INTRODUCED INTO THE STATE OF IDAHO BY A GOVERNMENTAL AGENCY, TO DEFINE A TERM AND TO PROVIDE AN EXCEPTION TO APPLICABILITY OF CERTAIN PROVISIONS.

**HOUSE BILL NO. 139
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO WOLVES; AMENDING CHAPTER 39, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3906, IDAHO CODE, TO PROHIBIT THE PROTECTION OF CERTAIN CANADIAN GRAY WOLVES, TO PROVIDE FOR A FELONY AND TO PROVIDE PENALTIES.

**HOUSE BILL NO. 140
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO TAXATION OF BEER AND WINE; AMENDING SECTION 23-1008, IDAHO CODE, TO REVISE THE TAX IMPOSED UPON BEER, TO DEFINE "WHOLESALE SALES PRICE," TO PROVIDE FOR CREDITS AND REFUNDS, TO PROVIDE THAT ANY WHOLESALER OR BREWER WHO SELLS BEER TO AN IDAHO RETAILER UPON WHICH TAXES HAVE NOT BEEN PAID SHALL BE GUILTY OF A MISDEMEANOR, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE THE DISTRIBUTION FORMULA AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-1319, IDAHO CODE, TO REVISE THE EXCISE TAX ON WINE, TO DEFINE "WHOLESALE SALES PRICE," TO REVISE THE DISTRIBUTION FORMULA AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 141
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO FLOATING HOMES; AMENDING SECTION 55-2704, IDAHO CODE, TO REVISE THE DEFINITION OF "FLOATING HOME"; AND AMENDING SECTION 63-201, IDAHO CODE, TO REVISE THE

DEFINITION OF "FLOATING HOME" AND TO MAKE TECHNICAL CORRECTIONS.

Whereupon the Speaker declared the House adjourned at 12:08 p.m.

LAWERENCE DENNEY, Speaker

HOUSE BILL NO. 142
BY REVENUE AND TAXATION COMMITTEE
AN ACT

ATTEST:
BONNIE ALEXANDER, Chief Clerk

RELATING TO THE UNIFORM PRINCIPAL AND INCOME ACT; AMENDING SECTION 68-10-409, IDAHO CODE, TO REVISE A DEFINITION, TO DEFINE A TERM, TO CLARIFY LANGUAGE, TO REMOVE A REQUIREMENT FOR AN ALLOCATION TO INCOME NECESSARY TO OBTAIN THE MARITAL DEDUCTION, TO PROVIDE FOR ALLOCATION OF A PAYMENT MADE FROM A SEPARATE FUND TO QUALIFY FOR THE MARITAL DEDUCTION UNDER THE INTERNAL REVENUE CODE, TO PROVIDE FOR NONAPPLICATION, TO PROVIDE TRUSTEE DUTIES WITH REGARD TO INTERNAL INCOME AND ALLOCATION OF A SEPARATE FUND AND TO PROVIDE FOR DETERMINATION OF INTERNAL INCOME OF A SEPARATE FUND; AND AMENDING SECTION 68-10-505, IDAHO CODE, TO REVISE REQUIREMENTS FOR PAYMENT OF A TAX ON THE TRUST'S SHARE OF AN ENTITY'S TAXABLE INCOME AND TO REVISE REQUIREMENTS FOR AN ADJUSTMENT TO INCOME OR PRINCIPAL DUE TO A TAX DEDUCTION RECEIVED BY A TRUST FOR PAYMENTS MADE TO A BENEFICIARY.

[H 137](#), [H 138](#), [H 139](#), [H 140](#), [H 141](#), and [H 142](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1046](#) and [S 1050](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1067](#), [S 1068](#), and [S 1069](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

[S 1065](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 65](#) and [S 1044](#), by State Affairs Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Tuesday, February 17, 2009. Seconded by Mr. Rusche. Motion carried.